



BERNSTEIN, CUSHNER & KIMMELL, P.C.

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September 14, 2004

VIA FIRST CLASS MAIL AND E-MAIL

Luly E. Massaro
Commission Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick RI 02888

*Re: People's Power & Light Motion for Leave to Extend Time for Filing of
Intervenor Testimony in Docket No. 3617*

Dear Ms. Massaro:

Enclosed please find the original and nine (9) copies of the Expedited Motion for Leave to Extend Time for Filing of Intervenor Testimony or Statement of People's Power and Light in the above-referenced proceeding.

Thank you for your attention to this matter. If you require further information or have any questions, please do not hesitate to contact me.

Sincerely,

Jonathan S. Klavens

JSK\aae
Enclosure

cc: Erich Stephens, People's Power & Light (w/enc.) (via first class mail)
Attached Service List (w/enc.) (via first class mail)

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**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

In re: Narragansett Electric Company
Comprehensive Distribution Rate Settlement

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R.I.P.U.C. No. 3617

**EXPEDITED MOTION FOR LEAVE TO EXTEND TIME FOR FILING
OF INTERVENOR TESTIMONY OR STATEMENT**

Now comes People's Power & Light, intervenor in the above-captioned docket ("PP&L"), and moves pursuant to Commission Rule 1.6(b) that the Commission extend until Monday, September 20, 2004 the time for filing of direct testimony or a statement by PP&L. [Narragansett Electric Company ("Narragansett") has assented to the filing of this Motion.]

In support of this Motion, PP&L states:

1. PP&L has actively, constructively and in good faith been devoting its resources and attention to negotiation of a modified settlement that better addresses the needs of low-income customers and establishes reasonable distribution rate treatment for customers with on-site renewable generation. See Letter dated Friday, September 10, 2004 from Jonathan S. Klavens, Esq. to Cindy Wilson, Esq. (attached hereto as Exhibit A).
2. Significant progress has been made in those negotiations and it is probable, but not yet certain, that PP&L will become a signatory to a modified settlement. Further, it is probable, but not certain, that during the course of this week PP&L will reach agreement in principle on modifications to the proposed Comprehensive

Distribution Rate Settlement (the “Proposed Settlement”) but it is less likely that during that timeframe the parties will be able to negotiate definitive language embodying such agreement.

3. The Procedural Schedule for this docket requires filing by noon on Wednesday, September 15, 2004 of “statements” by parties that are signatories to the proposed Comprehensive Distribution Rate Settlement (as filed or as modified through negotiation) other than Narragansett and the Division of Public Utilities and Carriers (the “Division”). PP&L hopes to become a signatory to a modified settlement prior to the evidentiary hearing scheduled to commence on Tuesday, September 21, 2004, but it is unlikely that this will occur by Wednesday, September 15, 2004.

4. The Procedural Schedule for this docket requires filing by Thursday, September 16, 2004 of direct testimony or statements by non-signatories to the proposed Comprehensive Distribution Rate Settlement. Again, PP&L hopes to become a signatory to a modified settlement and has constructively and singularly devoted its resources to achieving that goal – and continues to do so. If the ultimate outcome of the negotiations is that PP&L remains a non-signatory, PP&L will likely not know this outcome until Friday, September 17, 2004.

5. Counsel for PP&L observes the Jewish High Holidays and cannot work from the evening of Wednesday, September 15, 2004 through the evening of Thursday, September 16, 2004.

6. PP&L does not believe that the drastically expedited procedural schedule in this docket comports with principles of due process but reserves the right to seek relief

on that basis in the event that PP&L suffers further harm to its rights as a result of the procedural schedule.

7. Narragansett has assented to this Motion. PP&L has not had sufficient time to canvass other parties to the proceeding but does not expect any other party to oppose this Motion.

For the reasons stated above, PP&L respectfully requests that the Commission extend until Monday, September 20, 2004 the time in which PP&L may file a statement or direct testimony as a signatory to a modified settlement or a non-signatory to the proposed Comprehensive Distribution Rate Settlement.

Respectfully submitted,

PEOPLE'S POWER AND LIGHT

By its attorneys,

Jonathan S. Klavens, Esq. (jklavens@bck.com)¹
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Dated: September 14, 2004

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¹ Admitted *pro hac vice* in this proceeding, per Order of the Rhode Island Supreme Court, dated August 19, 2004.



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EXHIBIT A

September 10, 2004

VIA EMAIL AND FIRST CLASS MAIL

Cindy Wilson, Esq.
Senior Legal Counsel
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Docket No. 3617 – Status of Negotiations Regarding Modified Settlement

Dear Ms. Wilson:

You had asked People's Power & Light ("PP&L") to inform you of the status of negotiations between PP&L, an intervenor in the above-captioned proceeding, and the parties to the proposed Comprehensive Distribution Rate Settlement (the "Settlement") submitted by Narragansett for approval by the Commission. In particular, you asked for information on whether it appears that PP&L would become a signatory to a modified Settlement and whether the dramatically expedited procedural schedule for this docket allows sufficient time for that to occur.

PP&L has been actively engaged in negotiations with the Company and has been in communication with the other signatories to the Settlement. While we had hoped and expected that progress would be made sooner, it is our sense that PP&L and the Company are indeed making progress now. We continue to hope that PP&L will be able to sign on to a modified Settlement in a timely fashion and, to that end, PP&L intends to participate constructively and in good faith in further negotiation meetings scheduled for this coming Monday, September 13, 2004.

Cindy Wilson, Esq.
September 10, 2004
Page 2

At the same time, the expedited procedural schedule for this docket – with the Company's testimony due on September 15, intervenor testimony due on September 16, filing of a modified Settlement (if any) due on September 17 and an evidentiary hearing beginning on September 21 – appears just barely workable if all parties agree to both the principles and text of a modified Settlement on Monday, September 13. Particularly in light of PP&L's good faith devotion of resources to the settlement process, however, the expedited procedural schedule would deprive the nonsettling parties of their due process if the parties cannot come to agreement on Monday.

In the event that the parties cannot come to agreement on Monday, PP&L may file a motion requesting a modification of the procedural schedule to allow sufficient time for PP&L to either complete the settlement process or participate meaningfully in the adjudicatory process.

Thank you for your consideration. If you require further information or have any questions, please do not hesitate to contact me.

Sincerely,

Jonathan S. Klavens

JSK:mej

cc: Erich Stephens, People's Power & Light (via email)
Attached Service List (via email)

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